

RECEIVED
SDNY PRO SE OFFICE

2016 FEB -1 AM 9:14

Anthony Malik Ellis
AKA Ellis malik

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☒ Yes ☐ No
(check one)

City of New York
CO. Prego 3613
Cpt. T. Wei 534
~~CO. F. S. 7826~~
CO. BROWN 4430

16CV 0702

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

Anthony Malik Ellis

ID #

8951400742

Current Institution

OTIS Bantam Correctional Center

Address

16-00 Hazen Street

East Elmhurst NY 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

Co. Prego

Shield #

3613

Where Currently Employed

GRVC

Address

09-09 Hazen Street

East Elmhurst NY 11370

Defendant No. 2 Name Co Brown Shield # 4430
 Where Currently Employed GRVC
 Address 09-09 Hazen Street
East Elmhurst NY 11370

Defendant No. 3 Name ~~Co Ford~~ Shield # _____
 Where Currently Employed GRVC
 Address 09-09 Hazen Street
East Elmhurst NY 11370

Defendant No. 4 Name Captain Tawa Shield # 534
 Where Currently Employed GRVC
 Address 09-09 Hazen Street
East Elmhurst NY 11370

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

GRVC Rikers Island

B. Where in the institution did the events giving rise to your claim(s) occur?

IN the Housing Area and Rec. cages

C. What date and approximate time did the events giving rise to your claim(s) occur?

from the date of the 21st through the 29th
of September 2015

D. Facts:

See attached

What
happened
to you?Who did
what?Was
anyone
else
involved?Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I received clamping and suffering from
Not being allowed to exercise. After becoming accustomed
to exercise. No medical treatment for my hand getting
glammed in the slot and mental anguish from being told
I have a little penis

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

1. ON the late and approximate time of September 21st at 7:20 am while being escorted through the A and B Jails By the Rec escort in the RHU at GRVC, I was approached by CO BROWN.

2. At this time CO BROWN put her hand on my neck and lead me in to the staircase to where NO camera was on me, and asked me "You out Ya cell now, let me see this Dick You been Telling everyone to suck". She then Grabbed my Genitals and told me "Huh, and it's Not even Big enough for me to suck it."

3. Officer Brown then walked away from me and went in the bubble. Then after coming Back from Rec Officer Prege told me that I would not be allowed to participate in the 1 hour Rec affordable to all inmates for 7 days in Retribution for an Incident that occurred on that Day in the Rec area.

4. The next day while waiting for recreation to be called the Rec officer on duty said that I was on Rec restriction for 7 days per CO. Prego. I then asked where is he and he told me "he is not there. But Captain Tawak put a Note in the book also.

5. I asked Captain TAWAK some days later And she told me it is common practice that you lose 7 days of recreation if you have an Incident in the Recreation Area.

6. I then asked to speak to the Dept warden of the facility area and she told me to wait. I never got to speak to a Dept warden And I ~~never~~ got Rec on no day after until 8 days past.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)?

Not being allowed Rec of medical treatment

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☒ No ☐

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

at OBCC-IGRC

1. Which claim(s) in this complaint did you grieve? *all*

2. What was the result, if any?

It was ruled a moot issue and some of the claims were non-grievable

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

I appealed never received an answer.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: _____

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I would like monetary ~~and~~ damages for my hand getting slammed in the slot and for being physically ~~at~~ Per. for seven to 8 days and being sexually harassed by CO Brown. (i.e.) punitive damages, compensatory damages) and injunctive relief that it be written that Per. Captains can not ~~be~~ refuse the hour of Per. for 8 days because of an inmates behavior at Per. when that inmate is locked down in a punitive segregation program.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☒

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ☒ No _____

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ☒ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

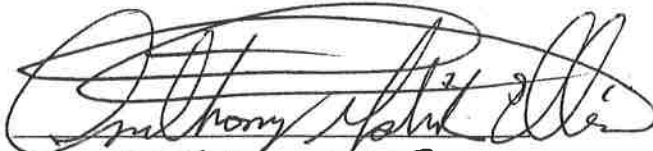
I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20__.

Signature of Plaintiff

Inmate Number

Institution Address


8951400742
OBCC
16-00 Hazen Street
East Elmhurst NY 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this ____ day of _____, 20__, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:



Ellis Malik
8051400712
225 White Street
New York, NY 10013

RECEIVED
SDNY PRO SE OFFICE
2016 FEB -1 AM 9:14

USMP3
SDNY

Legal Mail



United States District Court
Southern District of New York
220 Pearl Street Rm 230
New York NY 10007

Legal Mail

1000781330 0014

